

## REMARKS

Claims 1, 2, 7-23, 28-33, 37, 38, 40, 41, and 43-46 are presented for consideration.

Claims 1, 22, 37, 38, 40, and 41 are independent.

Claims 37 and 38 have been amended to further clarify features of the subject invention.

Claims 43-46 have been added to recite additional features of the subject invention. Support for the amendments and the new claims may be found throughout the original application.

Accordingly, no new matter has been added.

Claims 37 and 38 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In response to this rejection Claims 37 and 38 have been amended to more clearly recite an apparatus. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1, 2, 7-10, 12-15, 17, 18, 22, 23, 28-31, 33, 37, 38, 40, and 41 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,993,246 to Pan et al. in view of U.S. Patent No. 6,470,359 to Lyle, and further in view of U.S. Patent No. 6,035,341 to Nunally et al. In addition, the remaining claims were rejected under 35 U.S.C. § 103(a) as being obvious over those citations and further in view of U.S. Patent No. 6,065,010 to Otsuka et al. (Claims 11, 16, 19 and 32), U.S. Patent No. 6,665, 835 to Gutfreund et al. (Claim 20), or U.S. Patent No. 6,654,933 to Abbott et al. (Claim 21). These rejections are respectfully traversed.

Independent claim 1 recites a method of storing data. The method includes the steps of storing data, as one or more data samples, in one or more media files configured for use by a media player application in playing the data samples, and storing, in an index file associated with one or more of the media files, at least an offset value for each of the data samples representing a location of each of the data samples in a corresponding one of the media files. Each of the media

files further includes additional information interspersed throughout that media file. The additional information includes at least a timestamp for one or more of the data samples. Each of the timestamps indicates a capture time of an associated data sample, and the additional information of the media files is used in reconstructing the index file upon corruption of the index file. The reconstructed index file includes the offset values representing the locations of each of the data samples in the media files, in which the reconstructed index file replaces the index file associated with the one or more media files.

As discussed in the previous Amendment of November 27, 2007, Pan et al. discloses a method and system for correlating data streams in which events in a first data stream are correlated with events in a second data stream based on a method of indexing. According to Pan et al., as information of a first and second data stream are stored to a second data file, the data streams are monitored for certain trigger events. An informational data set then is generated and stored in an index file for each detected trigger event. See Pan et al., Abstract.

With respect to Claim 1, the Office Action asserts that Pan et al. teaches storing data, as one or more data samples in a media file and additional information interspersed throughout the media file, wherein the additional information comprises at least a timestamp for each of the data samples and storing, in an index file, at least an offset value.

Applicant notes, however, that the data pointers (e.g., data ptr = 500) are stored in the index files, as can be seen from Fig. 2 of Pan et al. For example, Pan et al. discloses at column 2, lines 20 to 25 that “[f]or each detected event in a data stream, a data set is maintained in an index file. Preferably, each data set includes a time-stamp indicating when an event was detected and a corresponding data pointer indicating a location where the data associated with the corresponding event is stored in the data stream or data file.” Pan et al. further discloses at

column 4, lines 34 to 42 that “[s]equences of event-data pointer pairs form the inputs to event-data pointer logger 250. The logger assigns a unique time stamp  $T_{ij}$  to each pair  $(E_{ij}, P_{ij})$ . The resulting event-data pointer record 152,  $(E_{ij}, P_{ij}, T_{ij})$ , is then stored in a data stream index file #1 235. There is usually one index file for each data stream. In a similar manner, an event-data pointer record can be produced and stored in data stream index file #2 285 for second data stream 255.”

Applicant thus submits that Pan et al. does not teach or even suggest, among other features, storing data, as one or more data samples, in one or more media files configured for use by a media player application in playing the data samples, and each of the media files further comprising additional information interspersed throughout that media file, the additional information comprising at least a timestamp for one or more of the data samples.

Moreover, the Office Action, at page 6, acknowledges that Pan et al. does not teach the claimed feature “wherein the additional information of the media file is used in reconstructing the index file upon corruption of the index file, the reconstructed index file comprising the offset values representing the locations of each of said data samples in said media file.” To compensate for this deficiency, the Office Action relies to Lyle et al. Applicant submits, however, that Lyle et al. does not teach or even suggest this feature. In fact, Lyle et al. actually teaches away from this particular claimed feature in disclosing that additional information is stored separately from the LOBs (i.e., the Examiner’s *media file*). See Lyle et al., column 4, line 63 to column 5, line 38.

As understood, this portion of Lyle et al. teaches that “index recovery system 124 of the present invention includes additional information within a space map page in a LOB table space.” Lyle et al. also teaches at column 5, line 43 that each “LOB page is allocated to one

LOB, even if the LOB uses only a portion of the LOB page. For example, one LOB may be stored on 17 and a half LOB pages.” As seen in Fig. 2, the LOB pages 212 and the space map pages 218 are separate. Lyle et al. teaches that the additional information is in the form of “key 214, which indicate the first LOB map page” (see column 5, line 26 to 30). The LOB values are stored in a LOB table space 206 that is completely separate from the base table space 200 in which the base table 202 is defined (see column 5, lines 17 to 19). The keys 214 are stored in an “auxiliary index.” As seen in Fig 2 of Lyle et al., the auxiliary index is stored in the index space 216. However, the LOBs are stored in the LOB table space 206. Accordingly, Lyle et al. discloses that the additional information (i.e., the keys 214) is stored separately from the LOBs (i.e., the Examiner’s media files).

The Office Action, at page 7, acknowledges that Pan et al. and Lyle et al. does not teach the claimed feature of “the reconstructed index file replaces the index file associated with the one or more media files.” For this feature, the Office Action relies in Nunally et al., equating the term ‘LOB” (large Objects) with the claimed media file. Applicant respectfully submits, however, that Nunally et al. does not teach or even suggest this feature. In fact, Nunally et al. actually teaches away from this particular claimed feature in teaching that the index data in a file is merely updated rather than the file being replaced with another file.

Nunally et al. discloses at column 9, lines 1 to 4 that “the data stored on the hard drives includes compressed video and audio data files indicated generally at 92 and index data indicated generally at 94.” Nunally et al. discloses at column 9, lines 1 to 4 that the sequence is added to a positive result list (step 152) and the index information for the file is updated to indicate detection of the event (step 154). That is, the event-related data shown at 104 in Fig. 5 is updated to indicate detection of the event, as well as the confidence factor applicable to the event

detection decision.” Accordingly, in Nunally et al. the index information in a file is updated. Applicant submits that the updating of the index information as disclosed by Nunally et al. is distinctly different to the claimed invention where one index file is replaced by a reconstructed index file.

For at least the foregoing reasons, independent Claim 1 is submitted to be allowable over Pan et al., Lyle et al., and Nunally et al. In addition, independent Claims 22, 37, 38, 40 and 41 can be distinguished over the cited art for at least the same or similar reasons as Claim 1.

Applicant further submits that Otsuka, which was cited against dependent claims 11, 16, 19, and 32, do not remedy the aforementioned deficiencies of Pan et al., Lyle et al., and Nunally et al. Applicant still further submits that neither Gutfreund nor Abbott et al., which were cited against dependent Claims 20 and 21, respectively, also fail to remedy the aforementioned deficiencies of Pan et al., Lyle et al., and Nunally et al.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103 are respectfully requested.

For the foregoing reasons, Applicant submits that the cited art, whether taken individually or in combination, fails to teach or suggest the invention as recited in independent claims 1, 22, 37, 38, 40, and 41. Accordingly, those claims should be deemed allowable over the cited art.

Dependent claims 2, 7-21, 23, 28-33, and new claims 43-46 should also be deemed allowable, in their own right, as further defining patentable features of the present invention in addition to those recited in their respective independent claims. Further individual consideration of these dependent claims is requested.

Applicant submits that the subject application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the Office Action, and an early Notice of Allowance are requested.

Applicant's undersigned attorney can be reached in the Washington, D.C. office of Fitzpatrick, Cella, Harper & Scinto by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Scott D. Malpede/

---

Scott D. Malpede  
Attorney for Applicant  
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200  
SEW/SDM/eab

FCBS\_WS 2152167\_1